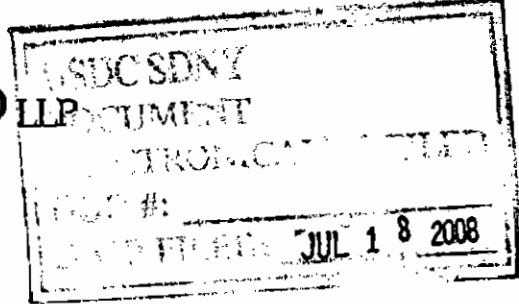


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July 18, 2008

BY FAXSIMILE: (212) 805-0426

Hon. Laura Taylor Swain  
United States District Judge  
United States Courthouse  
500 Pearl St., Room 755  
New York, NY 10007

## MEMO ENDORSED

Re: Pediped Infant Footwear LLC v. Kudos Leathergoods Ltd. Case No. 08-CIV-3572 (LTS)

Dear Judge Swain:

We represent the individual Defendant Robert Thomas Buell in the above action. We write to request that the Court reconsider adjourning the pre-trial submission and conference in light of additional information not previously considered. A previous request was made to adjourn by letter yesterday, which was denied by the Court.

In my letter of yesterday, I indicated that we had been conferring with plaintiff's counsel regarding settlement, and that plaintiff's counsel had then broken off discussions. While I thought my explanation conveyed that we had asked plaintiff's counsel to defer the pre-trial conference and submission in favor of settlement discussions, on rereading the letter, and in light of Your Honor's decision, I see that the fact that consultation had occurred was not clear.

During our prior discussions with plaintiff's counsel we had explicitly suggested an extension, but plaintiff's counsel refused. Following receiving your decision today, I once again conferred with plaintiff's counsel seeking agreement to an extension and a referral to the Magistrate. Again she has not concurred.

While we had conferred, and have now conferred again, this was not made clear to the Court, and I apologize for the confusion. We therefore ask Your Honor to reconsider deferring the submission. We are ready to appear as scheduled to discuss the issue of referral for settlement discussions. While we recognize the importance of the pre-trial conference submissions, the preparation of these, especially on short notice, would work a financial and logistical hardship on our client. The late request for an

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Hon. Laura Taylor Swain  
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extension of the submission is, to a great extent, a result of the abrupt break-off by the plaintiff of what we had hoped were constructive settlement talks.

Should Your Honor decline to defer the submission until after the conference, we ask that we be given until Tuesday, July 23 to submit the materials. I am presently out of state with limited access to email and computers. I will not be returning to my office until Tuesday, and no other litigator representing the defendants has any knowledge of this matter.

Respectfully submitted,  
*Robert Hanlon* /  
Robert E. Hanlon

REH:reh

cc: Deborah Wilcox (by facsimile)

LEGAL.02/30884354v2

The request to defer the submission to Wednesday July 23, 2008, is granted. The joint statement must be filed on the ECF system and a courtesy copy faxed to chambers.

SO ORDERED.

  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE  
7/18/08